

**LOCAL ELECTION AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill amends provisions relating to cancelling a local election or an uncontested race in a local election.

**Highlighted Provisions:**

This bill:

- describes the circumstances under which, and the method by which, a municipal legislative body or a local district board may cancel a local election or an uncontested race in a local election; and
- makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-1-206**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **20A-1-206** is amended to read:

**20A-1-206. Cancellation of local election -- Municipalities -- Local districts --**

**Notice.**

~~[(1) A municipal legislative body may cancel a local election if:]~~

~~[(a) (i) (A) all municipal officers are elected in an at-large election under Subsection 10-3-205.5(1); and]~~

~~[(B) the number of municipal officer candidates, including any eligible write-in candidates under Section 20A-9-601, for the at-large municipal offices does not exceed the number of open at-large municipal offices for which the candidates have filed; or]~~

~~[(ii) (A) the municipality has adopted an ordinance under Subsection 10-3-205.5(2);]~~

~~[(B) the number of municipal officer candidates, including any eligible write-in candidates under Section 20A-9-601, for the at-large municipal offices, if any, does not exceed the number of open at-large municipal offices for which the candidates have filed; and]~~

~~[(C) each municipal officer candidate, including any eligible write-in candidates under Section 20A-9-601, in each district is unopposed;]~~

~~[(b) there are no other municipal ballot propositions; and]~~

~~[(c) the municipal legislative body passes, no later than 20 days before the day of the scheduled election, a resolution that cancels the election and certifies that:]~~

~~[(i) each municipal officer candidate is:]~~

~~[(A) unopposed; or]~~

~~[(B) a candidate for an at-large municipal office for which the number of candidates does not exceed the number of open at-large municipal offices; and]~~

~~[(ii) a candidate described in Subsection (1)(c)(i) is considered to be elected to office.]~~

(1) As used in this section:

(a) "Election" means an event, run by an election officer, that includes one or more races for public office or one or more ballot propositions.

(b) (i) "Race" means a contest between candidates to obtain the number of votes necessary to take a particular public office.

(ii) "Race," as the term relates to a contest for an at-large position, includes all open positions for the same at-large office.

(c) "Uncontested race" means a race in a general election where the number candidates, including any eligible write-in candidates, does not exceed the number of offices to be filled in the race.

(2) A municipal legislative body may cancel an uncontested race in a local election.

(3) A municipal legislative body may cancel a local election if:

(a) all races in the local election are uncontested races;

(b) no ballot propositions have qualified for placement on the ballot; and

(c) the municipal legislative body passes, no later than 20 days before the day of the scheduled election, a resolution that cancels the election and certifies that:

(i) each race in the local election is an uncontested race;

64 (ii) no municipal ballot propositions have qualified for placement on the ballot; and

65 (iii) each candidate who qualified for the ballot is considered elected to office.

66 ~~[(2)]~~ (4) A municipal legislative body that cancels a local election in accordance with  
67 Subsection ~~[(1)]~~ (3) shall give notice that the election is cancelled by:

68 (a) subject to Subsection ~~[(5), posting notice]~~ (8), providing notice to the lieutenant  
69 governor's office to be posted on the Statewide Electronic Voter Information Website ~~[as]~~  
70 described in Section 20A-7-801, for 15 consecutive days before the day of the scheduled  
71 election;

72 (b) if the municipality has a public website, posting notice on the municipality's public  
73 website for 15 days before the day of the scheduled election;

74 (c) if the elected officials or departments of the municipality regularly publish a printed  
75 or electronic newsletter or other periodical, publishing notice in the next scheduled newsletter  
76 or other periodical published before the day of the scheduled election;

77 (d) (i) publishing notice at least twice in a newspaper of general circulation in the  
78 municipality before the day of the scheduled election;

79 (ii) at least 10 days before the day of the scheduled election, posting one notice, and at  
80 least one additional notice per 2,000 population within the municipality, in places within the  
81 municipality that are most likely to give notice to the voters in the municipality, subject to a  
82 maximum of 10 notices; or

83 (iii) at least 10 days before the day of the scheduled election, mailing notice to each  
84 registered voter in the municipality; and

85 (e) posting notice on the Utah Public Notice Website, created in Section 63A-16-601,  
86 for at least 10 days before the day of the scheduled election.

87 ~~[(3) A local district board may cancel an election as described in Section 17B-1-306~~  
88 ~~if:]~~

89 ~~[(a) (i) (A) any local district officers are elected in an at-large election; and]~~

90 ~~[(B) the number of local district officer candidates for the at-large local district offices,~~  
91 ~~including any eligible write-in candidates under Section 20A-9-601, does not exceed the~~  
92 ~~number of open at-large local district offices for which the candidates have filed; or]~~

93 ~~[(ii) (A) the local district has divided the local district into divisions under Section~~  
94 ~~17B-1-306.5;]~~

~~[(B) the number of local district officer candidates, including any eligible write-in candidates under Section 20A-9-601, for the at-large local district offices within the local district, if any, does not exceed the number of open at-large local district offices for which the candidates have filed; and]~~

~~[(C) each local district officer candidate, including any eligible write-in candidates under Section 20A-9-601, in each division of the local district is unopposed;]~~

~~[(b) there are no other local district ballot propositions; and]~~

~~[(c) the local district governing body, no later than 20 days before the day of the scheduled election, adopts a resolution that cancels the election and certifies that:]~~

~~[(i) each local district officer candidate is:]~~

~~[(A) unopposed; or]~~

~~[(B) a candidate for an at-large local district office for which the number of candidates does not exceed the number of open at-large local district offices; and]~~

~~[(ii) a candidate described in Subsection (3)(c)(i) is considered to be elected to office.]~~

(5) A local district board may cancel an uncontested race in a local election.

(6) A local district board may cancel a local election if:

(a) all races in the local election are uncontested races;

(b) no local district ballot propositions have qualified for placement on the ballot; and

(c) the local district board passes, no later than 20 days before the day of the scheduled election, a resolution that cancels the election and certifies that:

(i) each race in the local election is an uncontested race;

(ii) no local district ballot propositions have qualified for placement on the ballot; and

(iii) each candidate who qualified for the ballot is considered elected to office.

~~[(4)]~~ (7) A local district that cancels a local election in accordance with Subsection ~~[(3)]~~ (6) shall provide notice that the election is cancelled:

(a) subject to Subsection ~~[(5)]~~ (8), by posting notice on the Statewide Electronic Voter Information Website ~~[as]~~ described in Section 20A-7-801, for 15 consecutive days before the day of the scheduled election;

(b) if the local district has a public website, by posting notice on the local district's public website for 15 days before the day of the scheduled election;

(c) if the local district publishes a newsletter or other periodical, by publishing notice

126 in the next scheduled newsletter or other periodical published before the day of the scheduled  
127 election;

128 (d) (i) by publishing notice at least twice in a newspaper of general circulation in the  
129 local district before the scheduled election;

130 (ii) at least 10 days before the day of the scheduled election, by posting one notice, and  
131 at least one additional notice per 2,000 population of the local district, in places within the  
132 local district that are most likely to give notice to the voters in the local district, subject to a  
133 maximum of 10 notices; or

134 (iii) at least 10 days before the day of the scheduled election, by mailing notice to each  
135 registered voter in the local district; and

136 (e) by posting notice on the Utah Public Notice Website, created in Section  
137 63A-16-601, for at least 10 days before the day of the scheduled election.

138 ~~[(5)]~~ (8) A municipal legislative body that posts a notice in accordance with Subsection  
139 ~~[(2)]~~ (4)(a) or a local district that posts a notice in accordance with Subsection ~~[(4)]~~ (7)(a) is  
140 not liable for a notice that fails to post due to technical or other error by the publisher of the  
141 Statewide Electronic Voter Information Website.